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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/551,790	04/18/2000	William Garvin Holland	RALS9-2000-0057US1	2608
25299	7590	12/03/2003	EXAMINER	
IBM CORPORATION PO BOX 12195 DEPT 9CCA, BLDG 002 RESEARCH TRIANGLE PARK, NC 27709			LANE, JOHN A	
			ART UNIT	PAPER NUMBER
			2188	6

DATE MAILED: 12/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/551,790

Applicant(s)

HOLLAND ET AL.

Examiner

Jack A Lane

Art Unit

2188

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/06/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) 5-6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: _____

DETAILED ACTION

1. This Office action is responsive to the request for reconsideration filed 11/06/03. Claims 1-4 are presented for examination.

2. The examiner requests, in response to this Office action, any reference(s) known to qualify as prior art under 35 U.S.C. sections 102 or 103 with respect to the instant claims. That is, any prior art similar to the instant claimed invention that could reasonably be used in a 102/103 rejection. This request does not require applicant to perform a search. This request is not intended to interfere with or go beyond that required under 37 C.F.R. 1.56 or 37 C.F.R 1.105. This request may be fulfilled by asking the attorney(s) of record handling prosecution and the inventor(s)/assignee for references qualifying as prior art. A simple statement that the query has been made and no prior art found is sufficient to fulfill the request. Otherwise, along with a 102/103 submission a discussion of why the reference(s) qualifies as prior art with respect to the instant claims is requested. **A response to this inquiry is greatly appreciated.**

The examiner also requests, in response to this Office action, support be shown for language added to the claims on amendment. That is, indicate support for newly added claim language by specifically pointing to page(s) and

line no(s). in the specification and/or drawing figure(s). This will assist the examiner in prosecuting the application.

3. Applicant's election with traverse of claims 1-6 in Paper No. 5 is acknowledged. The traversal is on the ground(s) that Group I claims 1-4 are the apparatus claims and Group II claims 4-5 are the corresponding method claims. This is not found persuasive because Group II claims 5-6 recite translating virtual and physical memory addresses for passing bit streams of data within a network. Whereas, claims 1-4 recite the structure of the network. There is no recitation of addressing or translating.

The requirement is still deemed proper and is therefore made FINAL.

4. The disclosure is objected to because of the following informalities:

On page 9, line 27, it appears "Figure 1" should be ---Figure 2---

Applicant should carefully and completely review the entire specification for grammatical and/or idiomatic errors. Appropriate correction is required.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having

ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103 (a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 C.F.R. § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U.S.C. § 102(f) or (g) prior art under 35 U.S.C. § 103(a).

6. Claims 1-4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Minyard et al. (Pat. No. 6,487,606) in view of Bass et al. (Pat. No. 6,460,120).

Minyard teaches a network system as shown in figure 2. The claimed "central processing unit" corresponds to one or more CPU's 22, 24, 26 and 28 shown in figure 2. The claimed "plurality of peripheral devices...comprising volatile memory, non-volatile memory, and a plurality of I/O subsystems" corresponds to the input and output devices, volatile and non-volatile memory discussed at column 2, lines 45-46. The claimed "network processor" corresponds to one or more co-processors 62, 64, 66 and 68. The claimed "plurality of interface processors" corresponds to the co-processors 62, 64, 66 and 68. The claimed "data memory" corresponds to one or more buffers 52, 54, 56 and 58. The co-processors function as a front end interface between the

network 30 and the CPUs as discussed at column 4, lines 1-2. The co-processors also relieve the CPU's of processing overhead thereby freeing the CPU's to perform other tasks more efficiently and quickly (col. 4, line 66 – col. 5, line 13). However, a single co-processor/network processor is not taught as having a plurality of interface processors.

Bass is introduced for its teaching of a network processor (fig 1 and 12b). It is noted that the network processors of figures 3 and 4 correspond identically to the network processor of figures 1 and 18, respectively of Bass. The claimed "plurality of interface processors" correspond to processors including the ten protocol processors shown in figure 12b. The claimed "data memory" corresponds to DRAM and SRAM shown in figure 1. Data flow handling and flexibility is enhanced using the network processor of Bass.

Because the network processor of Bass provides improved data flow handling and flexibility as a result of the plural processor design, it would have been obvious to use such a network processor in the network system of Minyard to perform the network operations (i.e. data handling, overhead tasks etc.) otherwise performed by the CPU's. Therefore, the claimed invention would have been obvious to one of ordinary skill in the art at the time of the invention.

Official notice is taken of the prior art teaching any claim feature not specifically discussed above. That is, any prior art (including that of record) teaching the more well known claim features commonly found in the dependent claims. The claim feature(s), while part of the invention, appears to be well known and it's relevance not essential to the main invention found in the independent claim(s). Thus, a detailed discussion of the well known claim feature(s) is not warranted at this time. Applicant is invited to comment on any claim feature(s) deemed to be patentably distinguishable from the prior art. It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the primary reference(s) with the officially taken prior art given the state of the art at the time the well known claim feature(s) was invented.

Any response to this action should be mailed to:

Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office
PO Box 1450
Alexandria, VA 22313-1450

or faxed to:

(703) 872-9306, (for Official communications intended for entry)

Or:

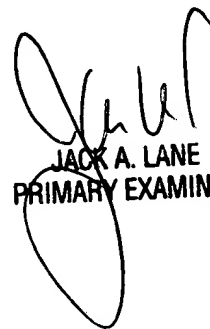
(703) 872-9306, (for Non-Official or draft communications, please label "Non-Official" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack A. Lane whose telephone number is 703 305-3818. The examiner can normally be reached on Mon-Fri from 7:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mano Padmanabhan can be reached on 703 306-2903.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-3900.


JACK A. LANE
PRIMARY EXAMINER